



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Bishop Field Office
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September 10, 2013

CACA 054550
2800 (P)
CA170.10

DECISION

Los Angeles Dept of Water and Power	=	Application for Groundwater
111 N. Hope Street, Rm 1468	=	Monitoring Well ROW
Los Angeles, CA 90012	=	CACA 054550

Right-of-Way Granted
Rental Determined

On June 30, 2013 the Los Angeles Department of Water and Power (LADWP) filed an application for a right-of-way (ROW) for the construction, operation, maintenance, and termination of groundwater monitoring well under the authority of the Federal Land Policy and Management Act (FLPMA) of October 21, 1976 (90 Stat. 2773, 43 U.S.C. 1701). The proposed ROW is located 3.5 miles north of Cartago, California and east of Highway 395.

The proposed monitoring well would be drilled to a depth of about 100 feet. The well would only be used for obtaining ground water samples and depth. No water removal would take place. The well would be cased and a 4 foot by 4 foot concrete pad would be installed around the case. Four steel posts would be installed at each corner to protect the well casing. A small battery operated data logger would be place at the casing. The data logger would require a monthly visit to removed logged information. Access to the site would be on existing 10 foot wide dirt roads.

The application for the right-of-way over public land is generally located in:

Mount Diablo Base and Meridian, California,
T. 18 S., R. 36 E.,
Section 13,
NE1/4 of the NE1/4.

Under the authority of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2773, 43 U.S.C. 1761) Title V, as amended, I hereby issue Right-of-Way Grant CACA 054550 for the construction, operation, maintenance, and termination of a groundwater monitoring well to the Los Angeles Department of Water and Power. The

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Stipulations under Exhibit A and Exhibit B (Map) dated August 27, 2013 are attached to the Grant document and are hereby applied. The ROW is determined to be a site ROW and the annual rent is set at Five Hundred Dollars (\$500.00) per year based on site appraisal. The ROW is issued for four (4) years + 4 months and is renewable. The ROW will expire on December 31, 2017.

This decision is in full force and effect upon signature by the Bishop Field Manager.

Rationale

The groundwater monitoring well right-of-way (ROW) application was analyzed under environmental assessment (EA) DOI-BLM-CAC-070-2013-0050-EA. Two alternatives were analyzed in detail: the Proposed Action and No Action alternatives. The Proposed Action with standard ROW stipulations was selected. The required stipulations for the selected alternative are attached to the ROW Grant document as Exhibit A dated August 27, 2013. The selected alternative with stipulations is the ROW being granted.

The environmental review included the identification, explanation, and resolution of any potentially significant effects on the human environment that would result from implementation of the selected alternative (Proposed Action) for the construction, operation, maintenance, and termination of a groundwater monitoring well.

Based on my review of the environmental analyses, I determined that the selected alternative does not constitute a major federal action that would significantly affect the quality of the human environment. I issued a finding of no significant impact (FONSI) for the selected alternative on September 10, 2013.

The proposed action is subject to the Bishop Resource Management (RMP), approved March 25, 1993 and is within the Owens Lake Management Area. I have reviewed the Bishop RMP and determined that the selected alternative with standard stipulations does conform to the terms and conditions of the applicable land use plan as defined at 43 CFR 1601.0-5(b) and as required by 43 CFR 1610.5-3(b).

I have determined the selected alternative meets the intended purpose of LADWP's applied for right-of-way, which is, to install a groundwater monitoring well to obtain groundwater aquifer information at the well location.

The well installation is located in a dried playa with no vegetation and all access is on existing dirt roads. Although there will be surface disturbance during construction there would be little vegetation disturbance. It is expected that during well construction

activities, some wildlife species may be temporary displaced. This is an unavoidable slight impact to wildlife species.

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The EA also considered potential impacts to desert tortoise (*Gopherus agassizii*) (listed Federal and State Threatened) and Mohave ground squirrel (*Xerospermophilus mohavensis*) (listed State Threatened) because recent studies for the Caltrans Olancho-Cartago 4-lane project have indicated that the proposed action area could be desert tortoise and Mohave ground squirrel habitat. Field inventories did not locate any individuals or burrows near the monitoring well development area.

Based on the analyses provided in the EA, I determined that implementation of the project as designed will have no effect on desert tortoise or Mohave ground squirrel, nor will it result in the destruction or adverse modification of designated critical habitat for either species.

I did not choose the No Action alternative because it would not meet LADWP's stated purpose of developing a monitoring well for obtaining groundwater aquifer information. This information is needed for LADWP long-term water management decisions and monitoring.

Under the No Action alternative there would be no monitoring well development and LADWP would have to rely on other monitoring wells for aquifer information. Although this alternative would result in no resource impacts, the proposed action alternative would result in minimal resource impact and is an acceptable alternative for the proposed action.

Therefore, I have decided to issue a four (4) years + 4 months renewable ROW (CACA 054550) to the Los Angeles Department of Water and Power for a groundwater monitoring well, as described and analyzed under the Proposed Action Alternative in EA DOI-BLM-CAC-070-2013-0050-EA. My decision incorporates the well design and construction description as listed in the ROW application document and standard ROW stipulations as attached to the Grant document.

It is in the public interest to issue Right-of-Way Grant CACA 054550 to the Los Angeles Department of Water and Power in order to install a groundwater monitoring well and obtain quality and quantity data from the local aquifer. This information will be used for LADWP water management decisions and monitoring within the Owens Lake basin.

Administrative Remedies

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision being appealed is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) or 43 CFR 2801.10 for a stay of the effectiveness of this decision during the

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time that your appeal is being reviewed by the Board, the petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted:

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

/s/ by Steve Nelson

Steven Nelson
Bishop Field Manager

Enc: Appeal Form 1842-1
Grant Document CACA 054550